IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO: 12712 of 2005

Between:

The Management of R.C.M Aided Elementary School,

Donakonda (RS) Village & Mandal, Prakasham District,
rep. by its Correspondent and

Secretary A. Joji Reddy S/o Chinnappa Reddy, aged 36 years,
Christian, R/o RCM Aided Elementary School,

Donakonda (RS), V&M, Prakasam District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh,

Rep. by its Secretary, for School Education,
Secretariat, Hyderabad.
2 The Commissioner/Director of School Education,.

Government of Andhra Pradesh, Hyderabad.
3 The District Educational Officer, Prakasham District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents as illegal, irregular against the Arts, 14 and 16 of the Constitution of India in not releasing the aided salary one S.G.T. B.C. (B) Women and another O.C. Post by approving the posts appointed on

17-2-2004 , and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MS.K.N.VIJAYA LAXMI

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner praying for issuance of writ of Mandamus declaring the action of the respondents in not approving the two appointments in the aided vacancies and not releasing the aided salary to one SGT BC-B Woman and another OC post, which were selected and appointed on 17-02-2004 in pursuance of the orders of the third respondent.

2. According to the petitioner, two vacancies had arisen due to retirement of two incumbents. For filling up of those vacancies, the petitioner sought for permission of the third respondent and permission was granted for filling up of the two aided SGT posts, one by BC-B woman and another by OC candidate. It is stated that the third respondent has even by his proceedings dated 05-02-2004 deputed the Deputy Education Officer to participate in the selection committee and selections were completed and the list was forwarded to the authorities for approval of the appointments. Even though the said list was forwarded with reference to the appointments made on 17-02-2004, the respondents have not passed any orders either approving or releasing the salary of the aided posts. Hence, the present writ petition.

3. At the time of hearing, it is represented by the learned Government Pleader that the approval was not considered in view of the ban imposed by the Government through a memo dated 20-10-2004, but however, it is conceded by the learned Government Pleader that the ban would not be applicable with

reference to the vacancies which were permitted to be filled up by the date of the ban.

4. In view of the above facts that as the vacancies had fallen prior to the date of ban, their approvals were also granted by the authorities concerned for filling up of the vacancies and selection was made in accordance with the Selection Rules, the respondents are directed to pass appropriate orders in pursuance of the proposals forwarded by the petitioner, without reference to the ban imposed by the Government by the memo dated 20-10-2004 expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

16th June, 2005

Note

Furnish C.C. within three days.

B/o.

SKM

To

1 The Government of Andhra Pradesh,

Rep. by its Secretary, for School Education,
Secretariat, Hyderabad.

2 The Commissioner/Director of School Education,.

Government of Andhra Pradesh, Hyderabad.

3 The District Educational Officer, Prakasham District.

4 Two CCs to the G.P. for Education,

High Court Buildings, High Court of A.P.,

Hyderabad.

5 Two CD copies